Letter 7/17



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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June 14, 2003

Mr. Richard Hankinson
Assistant Director
Office of Inspection
Bureau of Alcohol, Tobacco & Firearms
650 Massachusetts Avenue N.W.
Washington, D.C. 20226-0013

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Dear Assistant Director Hankinson & Captain Merriman:

RE: B.A.T.F. Case No. 20013016
J.S.I.D. File No. 01-0853
L.A.S.D. File No. 001-12326-0661-011

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 31st, 2001, death of James Beck that occurred during a shooting incident with Los Angeles County Sheriff's deputies and agents from the United States Bureau of Alcohol, Tobacco and Firearms. We have concluded that deputies and agents involved in this incident acted in lawful self-defense and the defense of others.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department, Homicide Bureau, submitted to this office on April 16, 2001 by Detectives Kenneth Gallatin and Richard Tomlin. The District Attorney Command Post was notified of this incident at 9:15 a.m. While events were still unfolding, members of the District Attorney Response Team arrived at the forward command post a short distance from the shooting scene. Deputy District Attorney Kraig St. Pierre and Senior Investigators

[redacted] and [redacted] arrived at 11 a.m. Shortly after they arrived James Beck's house caught on fire and thoroughly burned to the ground. Beck was inside the house during the conflagration. Several hours later, after the fire had been extinguished and the charred remains of the home had cooled, the District Attorney Response Team was given a walk-through of the scene. There were no percipient witnesses to Beck's death. All surviving involved officers from both the Los Angeles County Sheriff and the federal Bureau of Alcohol, Tobacco and Firearms gave statements to investigators. Those statements were considered as part of this investigation. Los Angeles County Sheriff's Deputy [redacted] was shot and killed by James Beck during the shootout.

FACTUAL ANALYSIS

On August 31, 2001, at approximately 8:20 a.m., officers of the United States Bureau of Alcohol, Tobacco and Firearms (ATF) served a search warrant at the home of James Beck located at [redacted] Brooks Circle in the Stevenson Ranch subdivision of Santa Clarita. Beck, a former police officer and [redacted], was suspected of being in possession of numerous firearms and representing himself to be a United States Marshal. During the service of the warrant ATF members ordered Beck to exit his home peacefully. Beck refused. ATF officers then unsuccessfully tried to force entry into the home using a battering ram against the front door. When this did not work, they attempted to gain entry by lifting a window next to the door in the front of the home. As an ATF officer tried to enter through the opened window, however, a shot rang out from within the house forcing all ATF agents to retreat and take various positions of cover. Over the next several minutes, James Beck intermittently sprayed ATF agents with automatic weapons fire from the upstairs windows of his home. The ATF agents returned fire and called for help.

[redacted] a motorcycle deputy with the Los Angeles County Sheriff, responded to the call for help. [redacted] was one of the first deputies to arrive in response to the ATF request. When he arrived at the location, [redacted] parked his motorcycle a few houses down the street from Beck's residence and made his way to a red Ford Explorer in the street near Beck's home. Deputy [redacted] took cover behind the Explorer and prepared to enter the firefight. He was still wearing his white motorcycle helmet. Looking down from an upstairs window, Beck shot [redacted] once in the head – killing him instantly. In a phone conversation with ATF negotiators a few moments later, Beck apologized for shooting [redacted] but made it clear that he did not plan to surrender peacefully. Beck stated that he had, "50,000 rounds of ammunition," and that he intended this standoff to be a, "mini-Waco."

The standoff continued for several hours, requiring the deployment of the Los Angeles County Sheriff's Special Enforcement Bureau (SEB) who took over for the ATF. During the standoff, hundreds of shots were exchanged between Beck and surrounding law enforcement. Several high-powered rounds struck surrounding homes in the neighborhood, but there were no reports of civilian injuries.

Finally, deputies from the SEB tried to force Beck outside by shooting tear gas into the home. Shortly after insertion of the tear gas the home began to burn. Soon fire engulfed the entire structure until it burned completely to the ground. After the fire had been doused and the scene had cooled, Sheriff's investigators located the charred remains of a human being. These remains were, ultimately, identified as James Beck. A charred, loaded semi-automatic handgun was found under his body. No gunshot injuries were found on Beck's body and the actual cause of death could not be determined due to the condition of the remains.

CONCLUSION

The use of deadly force in self-defense or in the defense of another is permitted if it reasonably appears to the person claiming the right of self-defense, or the defense of another, that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal.App.3d 731

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances to be necessary to prevent the injury which appears to be imminent. *California Jury Instructions – Criminal 5.30, 5.32.*

In this case, agents of the federal Bureau of Alcohol, Tobacco and Firearms encountered high-powered rifle fire as they lawfully served a search warrant at the home of James Beck. It is undisputed that Beck initiated gunfire at the ATF agents and that he killed Deputy [redacted] in the process of his stated desire not to be taken alive. Even after apologizing for having murdered Deputy [redacted] Beck continued to fire a high-powered rifle at surrounding law enforcement officers. In view of the threat posed by Beck, the officers involved with this incident acted lawfully in self-defense and the defense of others when they returned fire at Beck.

Our file is now closed and we will take no further action in the matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

KRAIG ST. PIERRE
Deputy District Attorney